

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GEOFFREY PESCE,

Plaintiff,

v.

KEVIN F. COPPINGER, in his official
capacity as Essex County Sheriff,
AARON EASTMAN, in his official
capacity as Superintendent of the Essex
County House of Corrections - Middleton,

Defendants.

C.A. No. 18-cv-11972-DJC

PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO AMEND

In the Joint Statement Regarding Briefing and Hearing Schedule (D. 32), Defendants requested that the hearing on Plaintiff’s Emergency Motion for a Temporary Restraining Order and Preliminary Injunction be scheduled for November 19. The Court rejected that proposal and scheduled a hearing for November 5. (D. 34.) Nevertheless, Defendants waited until this afternoon—three days before their opposition is otherwise due—before approaching Plaintiff with the instant motion, again requesting the hearing take place on November 19. The motion advances the exact same argument that Defendants made in the Joint Statement. (D. 32 at 3.) Nothing has changed since the Court’s September 28, 2018 Order (D. 34). For the same reasons articulated by Plaintiff in the joint filing, a November 19 hearing “gives the Court less time to review the papers submitted by the parties prior to the hearing, and affords the Court only two weeks (over the Thanksgiving holiday) to issue a ruling prior to Mr. Pesce’s expected incarceration.” (*Id.* at 2.)

Dated: October 16, 2018

Respectfully submitted,

GEOFFREY PESCE,

By his attorneys,

/s/ Robert Frederickson III

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